

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court
Eastern District of Washington

AUG 19 1999

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

1 Bart Blackburn
2 vs
3 Rick moss

Civil Rights complaint
42 USC 1983 c9980450 FV
2nd amended

4
5 I Bart Blackburn, having been sworn
6 disposes and says:

7 I am the plaintiff herein, with a hearing
8 impairment and Bipolar disabilities, with a
9 long standing history, per the following:

10 Hearing impaired

11 Duffey vs Riveland Settlement agreement
12 attached herein.

13 D.O.C. Policy 490-050

14 R.D.R. 1990 Section 11-2 5000

15 I have the Right as a disabled offender
16 to access to, Camp, Pre Release, Work Release.

17 R.D.R. Act 1990 Section 11-2 1000

18 D.O.C. policy 490-050 page 9 xx "case
19 by case basis" Page 8 xviii "offender
20 programs section B Case by Case basis."
21 page 8 xix "program access determination
22 by Staff Qualified to evaluate"
23 Yeskey vs Penn. DOC 118 & 30 168. 1998

1 Plaintiff a disabled offender herein sought
2 under D.O.C. policy 490-050 page 4 section(s)
3 B and C, to access offender programs. Rick
4 moss responded "I don't SEND things ON
5 meds to camp" See also 490-050 atta. 1 at seg
6

7 Rick moss prepared a classification
8 referral form used at his hearing ON
9 September 15, 1998. This form states NO
10 less than 3 times Due to his taking of
11 prescribed medications he is UNABLE to
12 PROGRESS past M13 status See Yeskey VS
13 Penn. D.O.C. 118 F 30, 168 (98) This form did
14 NOT have ANY mention therein of my partic-
15 iption in: Psych Counseling P-R, anger
16 management OR chemical awareness OR
17 that I had a G.E.D.

18
19 Rick Moss PERSONALLY and UNDER COLOR
20 of authority, refused to follow procedures
21 outlined herein OR per D.O.C. policy 490-050
22 page 11, Reference to D.O.C. 300-380 page
23 3 at 3 "exception to placement override
24 review" to Remanday

25
26 Plaintiff alleges Rick Moss is guilty
27 of discrimination by denying access to
28 a disabled person to the benefit of -

1 programs in the department of corrections
2 based solely on his use of prescribed
3 medications for his disability. he Rick
4 moss excluded me from programs as
5 described herein on my disability and for
6 NO other cause.

7 Plaintiff was "Work Release" eligible as of
8 march 1999 and has lost money and
9 faces a very difficult adjustment.
10 (see Judgment and Sentence appendix
11 (see Judgment and Sentence appendix
12 H items 14 thru 18) "lincoln House"
13 work Release in tacoma is structured
14 to help disabled offenders with S.S.
15 after care, medications, housing and
16 mental health issues. I am very much
17 qualified for this program and was
18 denied consideration or access to
19 it.

20 I was assaulted on March 12, 1999
21 as a result of not being transferred
22 to minimum security, Camp
23 or pre-release, Rich moss is the
24 party responsible by his actions
25 herein for my being denied a transfer
26 for which I was qualified for.
27 Had he not violated my Civil Rights this
28 assault could not have occurred.

1 Attachment to and incorporated into the
2 Second amended Complaint.

3 The date 9-14-98 is the date of the
4 Classification Referral. 9-24-98 Reflects
5 the hearing date.

6 9-14-98 Rick Moss targeted me to continue
7 to remain fraudulently in a G.e.d. course. he
8 was aware I was disabled and that I
9 could not legally take a second G.e.d. test,
10 and that I had a G.e.d.

11 Rick Moss and I discussed the above
12 issue PRIOR to my classification, I told
13 him I Shouldnt have to Commit fraud
14 my self IN ORDER to get out of full time
15 G.e.d Class. He Responded "that your PRO-
16 blem" Rick Moss Refused a Request to Call
17 and verify my G.e.d. Status.

18 I now aledge a Separate Count of VIOL-
19 VIATION OF A.D.A. 1990 etseq. by Rick Moss
20 the status of full time G.e.d. by WSP
21 Rules, bars access to this disabled Off-
22 ender from access to Auto body OR
23 drafting OR a paying job in industry.

24 Plaintiff came to D.O.C. his S.S. disu-
25 bily payments Stopped. He Could have
26 began those payments ON 3-18-99
27 if moss would have allowed him
28 access to Lincoln Rap hous he was

1 eligible for medical care.

2 No meaningful care is provided
3 at this time.

4 OUTLINE

- 5 A. Discrimination of (ADA Offender)
6 B. Access to program(s) (2 counts)
7 C. Failure to follow mandatory Rules
8 D. (for Disabled Offenders) hearing
9 E. Contributory actions (Assault)
10 F. Party to denying access to (Grievance)
11 G. Breach of Contract in re Duffy vs Riveland
12 et al (To be Filed in State Court)
13 H. To "Hide" from classification my participation
14 in anger mgmt, Chemical dependency, psych
15 and true medical status
16 H.1 G.E.D. fraud Resulting in access
17 to programs, being denied to a disabled
18 offender. ADA ACT 1990 et seq.

19 Relief Sought

20 See telephonic notice of motion

21 The foregoing is true and correct
22 under perjury

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24
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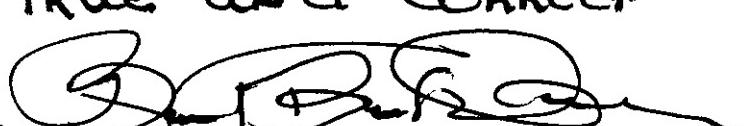
5-16-99 
at Walla Walla Wa

I believ that Rick moss was in
2 colusion with VAN Slyke greavance
3 cooradictors at W.S.P. and will
4 testify under oath to my observa-
5 tions. Mr Van Slyke will be called
6 as a witness by me, to testify as to
7 his reasons for denieing me access
8 to the greavance System past the 1st
9 level.

Rick mosses statements to me the exhibit
11 classification Referal herIN and his
12 colusion as alledged all go towards
13 proving the alledged discrimination
14 and exclusion of a disabled offender
15 from programs in D.O.C.

Plaintiff will seek appropriate Redress
17 as well as punitive Redress from Rick
18 Moss the person and in his official
19 capacities, and a order of the court
20 for a preliminary injuntion

The forgoing is true and correct
at wsp

by... 
ON... July 3 1999

27
28

1 Bart Blackburn
2 US
3 Rick Moss

C3-98-0450 FVS
ADA Complaint
Witness List

4
5 Dr. Moulton psychiatric consultant at W.S.P.
6 MSC and MSU facilities

7 Testimony will testify to issuing my medi-
8 cations while I've been here and also to
9 other offenders at MSU Reason(s) for meds.

10
11 Rick Cross medical employee of WSP will
12 testify as to pris codes, psych procedures
13 medication policies at WSP MSU

14
15 Dave Snyder Questions as to providing me
16 consulting, personnel knowledge of a meeting
17 between Dr Moulton, Rick Cross, her and
18 myself Counselor MSC

19
20 Dr L Zimmerman as to diagnosis and treat-
21 ment with meds (Richland)

22
23 Van Slyke grievance Coordinator at
24 WSP MSC Blue Mountain Unit. Why he
25 declined to process my grievances and also
26 intercepted and stopped my appeals just
27 the 1st level to the Superintendent Questioned
28 as to conspiracy in the case.

1 P.A. Fletcher As to my medical problems at
2 various dates while at MSC he is a regular
3 employee at WSP
4

5 Me Person Rick Mosses Boss Person is C.M.S.
6 at Blue Mountain Unit MSC WSP. Questioned
7 as to Reason for his stand on my ADA complaint
8 Decking Rick Moss when he was WRONG Keeping
9 me in a GED Class With full knowledge that I
10 had a GED. exclusion from Programs
11

12 Unknown expert psychiatrist witness to examine
13 medical documents and me to testify as to
14 my hearing impairment, Bipolar Disorder and
15 my alleged disabilities. Provided by the Court
16

17 Rick Moss verifying his preparation of documents
18 and other relevant matters exclusion from programs
19

20 Head of WSP GED Program as to fraud
21 and exclusion of a Disabled Offender
22 from Programs
23

24 Hospital Record early 50's of a professional
25 and complete hearing examination Results
26 goes to hearing impairment ^{from} ~~station~~ Seattle
27

28 S.S. Records long standing disability 10 years of records

1 Medical & Psych Jacket complete as is all
2 tests exams medications procedures Requests
3 by anyone for procedures, lay ins (Complete
4 medical file) from April 14, 1998 to Present
5 WSP Doc at Walla Walla.
6

7 All pictures documents now in the abstract
8 attorney's possession at Walla Walla Superior
9 Court in re Wayne Rugg for felony
10 assault at WSP MSC. (Assault)
11

12 All School and other program participation
13 of myself while at MSC Jctcs. (Fraud)
14

15 Any Occurrences now on file at WSP by
16 my self (Barred from access)
17

18 Sergeant Gillespie as to functioning while
19 in BMU.
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